

## **Senate Bill No. 1533**

### **CHAPTER 447**

An act to amend Sections 116.760, 631.3, and 1141.28 of the Code of Civil Procedure, to amend Section 7895 of the Family Code, to amend Sections 68085, 70141, 72055, 77009, 77201.1, and 77212 of, and to add Section 811.9 to, the Government Code, to amend Section 1037 of the Penal Code, and to amend Section 100 of the Welfare and Institutions Code, relating to courts.

[Approved by Governor September 13, 2000. Filed  
with Secretary of State September 14, 2000.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**SB 1533, Costa. Trial court funding.**

(1) Existing law sets forth the Governmental Tort Claims Act governing the tort liability and immunity of public entities and their officers and employees, claims and actions against public entities and their officers and employees, insurance indemnification, and the defense of public officers and employees.

This bill would specify that, for purposes of those provisions, judges and court officers are state officers and trial court employees are employees of the trial court. The bill would require the Judicial Council to provide for representation, defense, and indemnification of judges and court officers and employees, and to adopt rules of court requiring the Administrative Office of the Courts to manage claims and actions involving the trial courts and their officers and employees. The bill would also set forth the intent of the Legislature in this regard.

(2) Existing law requires a party that appeals a judgment in small claims court to pay the same superior court filing fee that is required for an appeal of a limited civil case.

This bill would, instead, require payment of all the same fees required for an appeal of a limited civil case.

(3) Existing law prohibits a refund of jury fees deposited with a judge or clerk when a case is settled or a continuance is granted on a motion by the depositing party.

This bill would extend the applicability of this prohibition to also apply where the depositing party waives a jury. The bill would also require jury fees deposited in advance of trial prior to January 1, 1999, and which remain on deposit in specified cases, to be transmitted to the Controller for deposit in the Trial Court Trust Fund.

(4) Existing law provides for the county to pay for the costs of arbitration, except as specified.

This bill would require the court to pay for the costs of arbitration, except as specified.

(5) Existing law requires the state to pay for the preparation and transmittal of the reporter's and clerk's transcripts upon an appeal from a judgment freeing a child who is a dependent of the juvenile court from parental custody and control. Existing law authorizes the state to seek reimbursement from the appellant for the cost of the transcripts, as specified.

This bill would, instead, require the court to pay the above-described costs and would authorize the court to seek reimbursement from the appellant.

(6) Existing law regulates the transmittal of specified court-related funds by a county or city and county to the Trial Court Trust Fund, and requires the Judicial Council to report to the Legislature on alternative procedures that would improve the collection and remittance of revenues to the Trial Court Trust Fund no later than February 1, 1999.

This bill would revise the former provision to apply to transmittal to the State Treasury rather than to the Trial Court Trust Fund, and would extend the latter date to February 1, 2001.

(7) Existing law prohibits child support commissioners appointed by the superior court from being deemed a court operation for purposes of state funding of the courts, and provides for the appointment of other specified superior court commissioners.

This bill would delete the former provision, and would revise the provisions for the appointment of other specified superior court commissioners.

(8) Existing law requires each county to establish a Trial Court Operations Fund in the county treasury, as specified.

This bill would require all funds received by a trial court for operating and program purposes to be deposited in the trial court operations fund; and would require funds received for funding child support commissioners and family law facilitators, and specified funds received for purposes other than court operations, to be placed in special accounts in that fund, as specified.

(9) Existing law specifies various amounts, and contingent revisions to those amounts, which certain counties are required to remit to the state for purposes of trial court funding beginning on July 1, 1997.

This bill would make a technical, nonsubstantive change to the applicability of that provision.

(10) Existing law provides that a county shall be responsible for providing necessary facilities for judicial officers and support staff for judicial positions, as specified.

This bill would make technical, nonsubstantive changes in that provision.

(11) Existing law provides that when a court orders a change of venue in a criminal case to another county all costs incurred by that county, which are not payable by the state, as specified, shall be a charge against the county in which the action originated.

This bill would provide, instead, that when a court orders a change of venue to a court in another county all costs incurred by that court or county, which are not payable by the state, as specified, shall be a charge against the court or the county in which the action originated. The bill would further provide that costs that are included in the definition of court operations shall be considered court costs and are a charge against the court in the county in which the action originated; that all other costs shall be considered county costs and are a charge against the county in which the action originated; and that the presiding judge of the court, or his or her designee, shall authorize, and the treasurer shall pay, the amount of court costs out of the Trial Court Operations Fund as directed by the court.

(12) Existing law requires the Judicial Council to establish or expand court-appointed special advocate programs pursuant to a request-for-proposal process, upon application by a board of supervisors.

This bill would delete the requirement for application by a board of supervisors.

(13) The bill would impose a state-mandated local program by imposing new duties upon court personnel and the county treasurer.

(14) The bill would incorporate changes to Section 68085 of the Government Code made by Chapter 15 of the Statutes of 2000, and would incorporate changes to Section 77201.1 of the Government Code proposed by AB 2402 and SB 815, contingent upon their prior enactment.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 116.760 of the Code of Civil Procedure is amended to read:

116.760. (a) The appealing party shall pay the same fees that are required for an appeal of a limited civil case.



(b) A party who does not appeal shall not be charged any fee for filing any document relating to the appeal.

SEC. 2. Section 631.3 of the Code of Civil Procedure is amended to read:

631.3. Notwithstanding any other provision of law, when a party to the litigation has deposited jury fees with the judge or clerk and that party waives a jury or obtains a continuance of the trial, or the case is settled, none of the deposit shall be refunded if the court finds there has been insufficient time to notify the jurors that the trial would not proceed at the time set. If the jury fees so deposited are not refunded for the reasons herein specified, or if a refund of jury fees deposited with the judge or clerk has not been requested, in writing, by the depositing party within 20 business days from the date on which the jury is waived or the action is settled, dismissed, or a continuance thereof granted, the fees shall be transmitted to the Controller for deposit into the Trial Court Trust Fund. All jury fees and mileage fees that may accrue by reason of a juror serving on more than one case in the same day shall be transmitted to the Controller for deposit into the Trial Court Trust Fund. All jury fees that were deposited with the court in advance of trial pursuant to Section 631 prior to January 1, 1999, and which remain on deposit in cases that were settled, dismissed, or otherwise disposed of prior to January 1, 1998, shall be transmitted to the Controller for deposit into the Trial Court Trust Fund.

SEC. 3. Section 1141.28 of the Code of Civil Procedure is amended to read:

1141.28. (a) All administrative costs of arbitration, including compensation of arbitrators, shall be paid for by the court in which the arbitration costs are incurred, except as otherwise provided in subdivision (b) and in Section 1141.21.

(b) The actual costs of compensation of arbitrators in any proceeding which would not otherwise be subject to the provisions of this chapter but in which arbitration is conducted pursuant to this chapter solely because of the stipulation of the parties, shall be paid for in equal shares by the parties. If the imposition of these costs would create such a substantial economic hardship for any party as not to be in the interest of justice, as determined by the arbitrator, that party's share of costs shall be paid for by the court in which the arbitration costs are incurred. The determination as to substantial economic hardship may be reviewed by the court.

SEC. 4. Section 7895 of the Family Code is amended to read:

7895. (a) Upon appeal from a judgment freeing a child who is a dependent child of the juvenile court from parental custody and control, the appellate court shall appoint counsel for the appellant as provided by this section.

(b) Upon motion by the appellant and a finding that the appellant is unable to afford counsel, the appellate court shall appoint counsel

for the indigent appellant, and appellant's counsel shall be provided a free copy of the reporter's and clerk's transcript. All of those costs are a charge against the state.

(c) The reporter's and clerk's transcripts shall be prepared and transmitted immediately after filing of the notice of appeal, at court expense and without advance payment of fees. If the appellant is able to afford counsel, the court may seek reimbursement from the appellant for the cost of the transcripts under subdivision (c) of Section 68511.3 of the Government Code as though the appellant had been granted permission to proceed in forma pauperis.

SEC. 4.5. Section 811.9 is added to the Government Code, to read:

811.9. (a) Notwithstanding any other provision of law, judges, subordinate judicial officers, and court executive officers of the superior and municipal courts are state officers for purposes of Part 1 (commencing with Section 810) to Part 7 (commencing with Section 995), inclusive, and trial court employees are employees of the trial court for purposes of Part 1 (commencing with Section 810) to Part 7 (commencing with Section 995), inclusive. The Judicial Council shall provide for representation, defense, and indemnification of such individuals and the court pursuant to Part 1 (commencing with Section 810) to Part 7 (commencing with Section 995), inclusive. The Judicial Council shall provide for such representation or defense through the county counsel, the Attorney General, or other counsel. The county counsel and the Attorney General may, but are not required to, provide such representation or defense for the Judicial Council. The fact that a judge, subordinate judicial officer, court executive officer, trial court employee, or the court was represented or defended by the county counsel, the Attorney General, or other counsel shall not be the sole basis for a judicial determination of disqualification of a judge, subordinate judicial officer, the county counsel, the Attorney General, or other counsel in unrelated actions.

(b) To promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims affecting the trial courts, the Judicial Council shall adopt rules of court requiring the Administrative Office of the Courts to manage actions, proceedings, and claims that affect the trial courts and involve superior or municipal courts, superior or municipal court judges, subordinate judicial officers, court executive officers, or trial court employees in consultation with the affected courts and individuals. The Administrative Office of the Courts' management of these actions, proceedings, and claims shall include, but not be limited to, case management and administrative responsibilities such as selection of counsel and making strategic and settlement decisions.

(c) Nothing in this section shall be construed to affect the employment status of subordinate judicial officers, court executive



officers, and trial court employees related to any matters not covered by subdivision (a).

SEC. 5. Section 68085 of the Government Code, as amended by Chapter 15 of the Statutes of 2000, is amended to read:

68085. (a) (1) There is hereby established the Trial Court Trust Fund, the proceeds of which shall be apportioned at least quarterly for the purpose of funding trial court operations, as defined in Section 77003. In no event shall apportionment payments exceed 30 percent of the total annual apportionment to the Trial Court Trust Fund for state trial court funding in any 90-day period.

(2) The apportionment payments shall be made by the Controller. For fiscal year 1997–98, the Controller shall make the first apportionment payment within 10 days of the operative date of this section. The final payment from the Trial Court Trust Fund for each fiscal year shall be made on or before August 31 of the subsequent fiscal year.

(3) If apportionment payments are made on a quarterly basis, the payments shall be on July 15, October 15, January 15, and April 15. In addition to quarterly payments, a final payment from the Trial Court Trust Fund for each fiscal year may be made on or before August 31 of the subsequent fiscal year.

(b) Notwithstanding any other provision of law, the fees listed in subdivision (c) shall all be deposited upon collection in a special account in the county treasury, and transmitted herefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

(c) (1) Except as specified in subdivision (d), this section applies to all fees collected pursuant to Sections 631.3 and 116.230 of the Code of Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01, 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1, 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26862, 27081.5, 68086, 72055, 72056, 72056.01, and 72060.

(2) If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.

(3) Any amounts transmitted by a county to the Controller for deposit into the Trial Court Trust Fund from fees collected pursuant to Section 27361 between January 1, 1998, and the effective date of this paragraph shall be credited against the total amount the county is required to pay to the state pursuant to paragraph (2) of subdivision (b) of Section 77201 for the 1997–98 fiscal year.

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 which is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant

to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238. This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.

(e) This section applies to all payments required to be made to the State Treasury by any county or city and county pursuant to Section 77201, 77201.1, or 77205.

(f) Notwithstanding any other provision of law, no agency shall take action to change the amounts allocated to any of the above funds.

(g) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose, the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(h) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be accompanied by a remittance advice identifying the collection month and the appropriate account in the Trial Court Trust Fund to which it is to be deposited. Any remittance which is not made by the county or city and county in accordance with this section shall be considered delinquent, and subject to the penalties specified in this section.

(i) Upon receipt of any delinquent payment required pursuant to this section, the Controller shall calculate a penalty on any delinquent payment by multiplying the amount of the delinquent payment at a daily rate equivalent to  $1\frac{1}{2}$  percent per month for the number of days the payment is delinquent. Notwithstanding Section 77009, any penalty on a delinquent payment that a court is required to reimburse to a county's general fund pursuant to this section and Section 24353 shall be paid from the Trial Court Operations Fund for that court.

(j) Penalty amounts calculated pursuant to subdivision (i) shall be paid by the county to the Trial Court Trust Fund no later than 45 days after the end of the month in which the penalty was calculated.

(k) The Trial Court Trust Fund shall be invested in the Surplus Money Investment Fund and all interest earned shall be allocated to the Trial Court Trust Fund semiannually and shall be allocated among the courts in accordance with the requirements of subdivision (a). The specific allocations shall be specified by the Judicial Council, based upon recommendations from the Trial Court Budget Commission.

(l) It is the intent of the Legislature that the revenues required to be deposited into the Trial Court Trust Fund be remitted as soon after collection by the courts as possible. Not later than February 1,



2001, the Judicial Council, in consultation with the California State Association of Counties and the California County Auditors Association, shall study and make recommendations to the Legislature on alternative procedures that would improve the collection and remittance of revenues to the Trial Court Trust Fund.

SEC. 6. Section 70141 of the Government Code is amended to read:

70141. (a) To assist the court in disposing of its business connected with the administration of justice, upon approval by the Judicial Council, the superior court of any city and county may appoint not exceeding 10 commissioners, and the superior court of every county, except a county with a population of 4,000,000 or over, may appoint one commissioner. Each person so appointed shall be designated as “court commissioner” of the county.

(b) Until July 1, 1997, in addition to the court commissioners authorized by subdivision (a) or any other provision of law, either the superior court or the municipal court, but not both, of any county or city and county may appoint one additional commissioner, at the same rate of compensation as the other commissioner or commissioners for that court, upon adoption of a resolution by the board of supervisors pursuant to subdivision (c).

(c) The county or city and county shall be bound by, and the resolution adopted by the board of supervisors shall specifically recognize, the following conditions:

(1) The county or city and county has sufficient funds for the support of the position and any staff who will provide direct support to the position, agrees to assume any and all additional costs that may result therefrom, and agrees that no state funds shall be made available, or shall be used, in support of this position or any staff who provide direct support to this position.

(2) The additional commissioner shall not be deemed a judicial position for purposes of calculating trial court funding pursuant to Section 77202.

(3) The salary for this position and for any staff who provide direct support to this position shall not be considered as part of court operations for purposes of Sections 77003 and 77204.

(4) The county or city and county agrees not to seek funding from the state for payment of the salary, benefits, or other compensation for such a commissioner or for any staff who provide direct support to such a commissioner.

(d) The court may provide that the additional commissioner may perform all duties authorized for a commissioner of that court in the county. In a county or city and county that has undertaken a consolidation of the trial courts, the additional commissioner shall be appointed by the superior or municipal courts pursuant to the consolidation agreement.



(e) In addition to the court commissioners authorized by subdivisions (a) and (b), the superior court of any county or city and county shall appoint additional commissioners pursuant to Sections 4251 and 4252 of the Family Code. These commissioners shall receive a salary equal to 85 percent of a superior court judge's salary.

SEC. 7. Section 72055 of the Government Code is amended to read:

72055. The total fee for filing of the first paper in a limited civil case, shall be ninety dollars (\$90), except that in cases where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000) or less, the fee shall be eighty-three dollars (\$83). The amount of the demand shall be stated on the first page of the paper immediately below the caption.

This section applies to the initial complaint, petition, or application, and any papers transmitted from another court on the transfer of a civil action or proceeding, but does not include documents filed pursuant to Section 491.150, 704.750, or 708.160 of the Code of Civil Procedure.

The term "total fee" as used in this section and Section 72056 includes any amount allocated to the Judges' Retirement Fund pursuant to Section 72056.1, any automation fee imposed pursuant to Section 68090.7, any construction fee imposed pursuant to Section 76238, and the law library fee established pursuant to Article 2 (commencing with Section 6320) of Chapter 5 of Division 3 of the Business and Professions Code. The term "total fee" as used in this section and Section 72056 also includes any dispute resolution fee imposed pursuant to Section 470.3 of the Business and Professions Code, but the board of supervisors of each county may exclude any portion of this dispute resolution fee from the term "total fee."

The fee shall be waived in any action for damages against a defendant, based upon the defendant's commission of a felony offense, upon presentation to the clerk of the court of a certified copy of the abstract of judgment of conviction of the defendant of the felony giving rise to the claim for damages. If the plaintiff would have been entitled to recover those fees from the defendant had they been paid, the court may assess the amount of the waived fees against the defendant and order the defendant to pay that sum to the county.

SEC. 8. Section 77009 of the Government Code is amended to read:

77009. (a) For the purposes of funding trial court operations, each board of supervisors shall establish in the county treasury a Trial Court Operations Fund, which will operate as an agency fund. All funds appropriated in the Budget Act and allocated and reallocated to each court in the county by the Judicial Council shall be deposited into the fund. Accounts shall be established in the Trial Court Operations Fund for each trial court in the county, except that one account may be established for courts which have a unified budget.

In a county where court budgets include appropriations for expenditures administered on a countywide basis, including, but not limited to, court security, centralized data-processing and planning and research services, an account for each centralized service shall be established and funded from those appropriations.

(b) The moneys of the Trial Court Operations Fund arising from deposits of funds appropriated in the Budget Act and allocated or reallocated to each court in the county by the Judicial Council shall be payable only for the purposes set forth in Sections 77003 and 77006.5, and for services purchased by the court pursuant to subdivisions (b) and (c) of Section 77212. The presiding judge of each court in a county, or his or her designee, shall authorize and direct expenditures from the fund and the county auditor-controller shall make payments from the funds as directed. Approval of the board of supervisors is not required for expenditure from this fund.

(c) All funds received by a trial court from any source shall be deposited in the trial court operations fund, except as provided in this section. Funds that are received to fulfill the requirements of Article 4 (commencing with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose. All other funds that are received for purposes other than court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court, shall be identified and maintained in one or more separate accounts established in the fund pursuant to procedures adopted by the Judicial Council. This subdivision shall only apply to funds received by the courts for operating and program purposes. This subdivision shall not apply to either of the following:

(1) Funds received by the courts pursuant to Section 68084, if those funds are not for operating or program use.

(2) Payments from a party or a defendant received by a trial court or the county for any fees, fines, or forfeitures.

(d) Interest received by a county which is attributable to investment of money required by this section to be deposited in its Trial Court Operations Fund shall be deposited in the fund and shall be used for trial court operations purposes.

(e) In no event shall interest be charged to the Trial Court Operations Fund, except as provided in Section 77009.1.

(f) Reasonable administrative expenses incurred by the county associated with the operation of this fund shall be charged to each court on a pro rata basis in proportion to the total amount allocated to each court in this fund.

(g) A county, or city and county, may bill trial courts within its jurisdiction for costs for services provided by the county, or city and county, as described in Sections 77003 and 77212, including indirect costs as described in paragraph (7) of subdivision (a) of Section 77003

and Section 77212. The costs billed by the county, or the city and the county, pursuant to this subdivision shall not exceed the costs incurred by the county, or the city and the county, of providing similar services to county departments or special districts.

(h) Pursuant to Section 77206, the Controller, at the request of the Legislature or the Judicial Council, may perform financial and fiscal compliance audits of this fund.

(i) The Judicial Council with the concurrence of the Department of Finance and the Controller's office shall establish procedures to implement the provisions of this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.

(j) The Judicial Council shall study alternative methods for the establishment and management of the Trial Court Operations Fund as provided in this section, and shall report its findings and recommendations to the Legislature not later than November 1, 1998.

SEC. 9. Section 77201.1 of the Government Code is amended to read:

77201.1. (a) Commencing on July 1, 1997, and each year thereafter, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 22,509,905
Alpine .....	—
Amador .....	—
Butte .....	—
Calaveras .....	—
Colusa .....	—
Contra Costa .....	11,974,535
Del Norte .....	—
El Dorado .....	—
Fresno .....	11,222,780
Glenn .....	—



Humboldt .....	—
Imperial .....	—
Inyo .....	—
Kern .....	9,234,511
Kings .....	—
Lake .....	—
Lassen .....	—
Los Angeles .....	175,330,647
Madera .....	—
Marin .....	—
Mariposa .....	—
Mendocino .....	—
Merced .....	—
Modoc .....	—
Mono .....	—
Monterey .....	4,520,911
Napa .....	—
Nevada .....	—
Orange .....	38,846,003
Placer .....	—
Plumas .....	—
Riverside .....	17,857,241
Sacramento .....	20,733,264
San Benito .....	—
San Bernardino .....	20,227,102
San Diego .....	43,495,932
San Francisco .....	19,295,303
San Joaquin .....	6,543,068
San Luis Obispo .....	—
San Mateo .....	12,181,079
Santa Barbara .....	6,764,792
Santa Clara .....	28,689,450
Santa Cruz .....	—
Shasta .....	—
Sierra .....	—
Siskiyou .....	—
Solano .....	6,242,661
Sonoma .....	6,162,466
Stanislaus .....	3,506,297



Sutter .....	—
Tehama .....	—
Trinity .....	—
Tulare .....	—
Tuolumne .....	—
Ventura .....	9,734,190
Yolo .....	—
Yuba .....	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 9,912,156
Alpine .....	58,757
Amador .....	265,707
Butte .....	1,217,052
Calaveras .....	310,331
Colusa .....	397,468
Contra Costa .....	4,168,194
Del Norte .....	553,730
El Dorado .....	1,028,349
Fresno .....	3,695,633
Glenn .....	360,974
Humboldt .....	1,025,583
Imperial .....	1,144,661
Inyo .....	614,920
Kern .....	5,530,972
Kings .....	982,208
Lake .....	375,570
Lassen .....	430,163
Los Angeles .....	71,002,129
Madera .....	1,042,797
Marin .....	2,111,712
Mariposa .....	135,457
Mendocino .....	717,075
Merced .....	1,733,156



Modoc .....	104,729
Mono .....	415,136
Monterey .....	3,330,125
Napa .....	719,168
Nevada .....	1,220,686
Orange .....	19,572,810
Placer .....	1,243,754
Plumas .....	193,772
Riverside .....	7,681,744
Sacramento .....	5,937,204
San Benito .....	302,324
San Bernardino .....	8,511,193
San Diego .....	16,166,735
San Francisco .....	4,046,107
San Joaquin .....	3,562,835
San Luis Obispo .....	2,036,515
San Mateo .....	4,831,497
Santa Barbara .....	3,277,610
Santa Clara .....	11,597,583
Santa Cruz .....	1,902,096
Shasta .....	1,044,700
Sierra .....	42,533
Siskiyou .....	615,581
Solano .....	2,708,758
Sonoma .....	2,316,999
Stanislaus .....	1,855,169
Sutter .....	678,681
Tehama .....	640,303
Trinity .....	137,087
Tulare .....	1,840,422
Tuolumne .....	361,665
Ventura .....	4,575,349
Yolo .....	880,798
Yuba .....	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any

adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.





(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1999.

SEC. 9.2. Section 77201.1 of the Government Code is amended to read:

77201.1. (a) Commencing on July 1, 1997, and each year thereafter, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 22,509,905
Alpine .....	—
Amador .....	—
Butte .....	—
Calaveras .....	—
Colusa .....	—
Contra Costa .....	11,974,535
Del Norte .....	—
El Dorado .....	—
Fresno .....	11,222,780
Glenn .....	—
Humboldt .....	—
Imperial .....	—
Inyo .....	—
Kern .....	9,234,511
Kings .....	—

Lake .....	—
Lassen .....	—
Los Angeles .....	175,330,647
Madera .....	—
Marin .....	—
Mariposa .....	—
Mendocino .....	—
Merced .....	—
Modoc .....	—
Mono .....	—
Monterey .....	4,520,911
Napa .....	—
Nevada .....	—
Orange .....	38,846,003
Placer .....	—
Plumas .....	—
Riverside .....	17,857,241
Sacramento .....	20,733,264
San Benito .....	—
San Bernardino .....	20,227,102
San Diego .....	43,495,932
San Francisco .....	19,295,303
San Joaquin .....	6,543,068
San Luis Obispo .....	—
San Mateo .....	12,181,079
Santa Barbara .....	6,764,792
Santa Clara .....	28,689,450
Santa Cruz .....	—
Shasta .....	—
Sierra .....	—
Siskiyou .....	—
Solano .....	6,242,661
Sonoma .....	6,162,466
Stanislaus .....	3,506,297
Sutter .....	—
Tehama .....	—
Trinity .....	—
Tulare .....	—
Tuolumne .....	—



Ventura .....	9,734,190
Yolo .....	—
Yuba .....	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 9,912,156
Alpine .....	58,757
Amador .....	265,707
Butte .....	1,217,052
Calaveras .....	310,331
Colusa .....	397,468
Contra Costa .....	4,168,194
Del Norte .....	553,730
El Dorado .....	1,028,349
Fresno .....	3,695,633
Glenn .....	360,974
Humboldt .....	1,025,583
Imperial .....	1,144,661
Inyo .....	614,920
Kern .....	5,530,972
Kings .....	982,208
Lake .....	375,570
Lassen .....	430,163
Los Angeles .....	71,002,129
Madera .....	1,042,797
Marin .....	2,111,712
Mariposa .....	135,457
Mendocino .....	717,075
Merced .....	1,733,156
Modoc .....	104,729
Mono .....	415,136
Monterey .....	3,330,125
Napa .....	719,168
Nevada .....	1,220,686

Orange .....	19,572,810
Placer .....	1,243,754
Plumas .....	193,772
Riverside .....	7,681,744
Sacramento .....	5,937,204
San Benito .....	302,324
San Bernardino .....	8,071,934
San Diego .....	16,166,735
San Francisco .....	4,046,107
San Joaquin .....	3,562,835
San Luis Obispo .....	2,036,515
San Mateo .....	4,831,497
Santa Barbara .....	3,277,610
Santa Clara .....	11,597,583
Santa Cruz .....	1,902,096
Shasta .....	1,044,700
Sierra .....	42,533
Siskiyou .....	615,581
Solano .....	2,708,758
Sonoma .....	2,316,999
Stanislaus .....	1,855,169
Sutter .....	678,681
Tehama .....	640,303
Trinity .....	137,087
Tulare .....	1,840,422
Tuolumne .....	361,665
Ventura .....	4,575,349
Yolo .....	880,798
Yuba .....	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.



(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual

amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1999.

SEC. 9.4. Section 77201.1 of the Government Code is amended to read:

77201.1. (a) Commencing on July 1, 1997, and each year thereafter, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 22,509,905
Alpine .....	—
Amador .....	—
Butte .....	—
Calaveras .....	—
Colusa .....	—
Contra Costa .....	11,974,535
Del Norte .....	—
El Dorado .....	—
Fresno .....	11,222,780
Glenn .....	—
Humboldt .....	—
Imperial .....	—
Inyo .....	—
Kern .....	9,234,511
Kings .....	—
Lake .....	—
Lassen .....	—
Los Angeles .....	175,330,647
Madera .....	—
Marin .....	—

Mariposa .....	—
Mendocino .....	—
Merced .....	—
Modoc .....	—
Mono .....	—
Monterey .....	4,520,911
Napa .....	—
Nevada .....	—
Orange .....	38,846,003
Placer .....	—
Plumas .....	—
Riverside .....	17,857,241
Sacramento .....	20,733,264
San Benito .....	—
San Bernardino .....	20,227,102
San Diego .....	43,495,932
San Francisco .....	19,295,303
San Joaquin .....	6,543,068
San Luis Obispo .....	—
San Mateo .....	12,181,079
Santa Barbara .....	6,764,792
Santa Clara .....	28,689,450
Santa Cruz .....	—
Shasta .....	—
Sierra .....	—
Siskiyou .....	—
Solano .....	6,242,661
Sonoma .....	6,162,466
Stanislaus .....	3,506,297
Sutter .....	—
Tehama .....	—
Trinity .....	—
Tulare .....	—
Tuolumne .....	—
Ventura .....	9,734,190
Yolo .....	—
Yuba .....	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is





based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 9,912,156
Alpine .....	58,757
Amador .....	265,707
Butte .....	1,217,052
Calaveras .....	310,331
Colusa .....	397,468
Contra Costa .....	4,168,194
Del Norte .....	124,085
El Dorado .....	1,028,349
Fresno .....	3,695,633
Glenn .....	360,974
Humboldt .....	1,025,583
Imperial .....	1,144,661
Inyo .....	614,920
Kern .....	5,530,972
Kings .....	982,208
Lake .....	375,570
Lassen .....	430,163
Los Angeles .....	71,002,129
Madera .....	1,042,797
Marin .....	2,111,712
Mariposa .....	135,457
Mendocino .....	717,075
Merced .....	1,733,156
Modoc .....	104,729
Mono .....	415,136
Monterey .....	3,330,125
Napa .....	719,168
Nevada .....	1,220,686
Orange .....	19,572,810
Placer .....	1,243,754
Plumas .....	193,772
Riverside .....	7,681,744
Sacramento .....	5,937,204

San Benito .....	302,324
San Bernardino .....	8,511,193
San Diego .....	16,166,735
San Francisco .....	4,046,107
San Joaquin .....	3,562,835
San Luis Obispo .....	2,036,515
San Mateo .....	4,831,497
Santa Barbara .....	3,277,610
Santa Clara .....	11,597,583
Santa Cruz .....	1,902,096
Shasta .....	1,044,700
Sierra .....	42,533
Siskiyou .....	615,581
Solano .....	2,708,758
Sonoma .....	2,316,999
Stanislaus .....	1,855,169
Sutter .....	678,681
Tehama .....	640,303
Trinity .....	137,087
Tulare .....	1,840,422
Tuolumne .....	361,665
Ventura .....	4,575,349
Yolo .....	880,798
Yuba .....	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994–95 fiscal year, shall reduce that county's remittance specified in

paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.

(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994–95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1999.



SEC. 9.6. Section 77201.1 of the Government Code is amended to read:

77201.1. (a) Commencing on July 1, 1997, and each year thereafter, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996.

(b) Commencing in the 1999–2000 fiscal year, and each fiscal year thereafter, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2), as follows:

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below which is based on an amount expended by the respective county for court operations during the 1994–95 fiscal year:

Jurisdiction	Amount
Alameda .....	\$ 22,509,905
Alpine .....	—
Amador .....	—
Butte .....	—
Calaveras .....	—
Colusa .....	—
Contra Costa .....	11,974,535
Del Norte .....	—
El Dorado .....	—
Fresno .....	11,222,780
Glenn .....	—
Humboldt .....	—
Imperial .....	—
Inyo .....	—
Kern .....	9,234,511
Kings .....	—
Lake .....	—
Lassen .....	—
Los Angeles .....	175,330,647
Madera .....	—
Marin .....	—
Mariposa .....	—
Mendocino .....	—
Merced .....	—
Modoc .....	—
Mono .....	—

Monterey .....	4,520,911
Napa .....	—
Nevada .....	—
Orange .....	38,846,003
Placer .....	—
Plumas .....	—
Riverside .....	17,857,241
Sacramento .....	20,733,264
San Benito .....	—
San Bernardino .....	20,227,102
San Diego .....	43,495,932
San Francisco .....	19,295,303
San Joaquin .....	6,543,068
San Luis Obispo .....	—
San Mateo .....	12,181,079
Santa Barbara .....	6,764,792
Santa Clara .....	28,689,450
Santa Cruz .....	—
Shasta .....	—
Sierra .....	—
Siskiyou .....	—
Solano .....	6,242,661
Sonoma .....	6,162,466
Stanislaus .....	3,506,297
Sutter .....	—
Tehama .....	—
Trinity .....	—
Tulare .....	—
Tuolumne .....	—
Ventura .....	9,734,190
Yolo .....	—
Yuba .....	—

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below which is based on an amount of fine and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this code, Sections 1463.001, 1463.07, and 1464 of the Penal Code, and Sections 42007, 42007.1, and 42008 of the Vehicle Code during the 1994–95 fiscal year:



Jurisdiction	Amount
Alameda . . . . .	\$ 9,912,156
Alpine . . . . .	58,757
Amador . . . . .	265,707
Butte . . . . .	1,217,052
Calaveras . . . . .	310,331
Colusa . . . . .	397,468
Contra Costa . . . . .	4,168,194
Del Norte . . . . .	124,085
El Dorado . . . . .	1,028,349
Fresno . . . . .	3,695,633
Glenn . . . . .	360,974
Humboldt . . . . .	1,025,583
Imperial . . . . .	1,144,661
Inyo . . . . .	614,920
Kern . . . . .	5,530,972
Kings . . . . .	982,208
Lake . . . . .	375,570
Lassen . . . . .	430,163
Los Angeles . . . . .	71,002,129
Madera . . . . .	1,042,797
Marin . . . . .	2,111,712
Mariposa . . . . .	135,457
Mendocino . . . . .	717,075
Merced . . . . .	1,733,156
Modoc . . . . .	104,729
Mono . . . . .	415,136
Monterey . . . . .	3,330,125
Napa . . . . .	719,168
Nevada . . . . .	1,220,686
Orange . . . . .	19,572,810
Placer . . . . .	1,243,754
Plumas . . . . .	193,772
Riverside . . . . .	7,681,744
Sacramento . . . . .	5,937,204
San Benito . . . . .	302,324
San Bernardino . . . . .	8,071,934
San Diego . . . . .	16,166,735
San Francisco . . . . .	4,046,107



San Joaquin .....	3,562,835
San Luis Obispo .....	2,036,515
San Mateo .....	4,831,497
Santa Barbara .....	3,277,610
Santa Clara .....	11,597,583
Santa Cruz .....	1,902,096
Shasta .....	1,044,700
Sierra .....	42,533
Siskiyou .....	615,581
Solano .....	2,708,758
Sonoma .....	2,316,999
Stanislaus .....	1,855,169
Sutter .....	678,681
Tehama .....	640,303
Trinity .....	137,087
Tulare .....	1,840,422
Tuolumne .....	361,665
Ventura .....	4,575,349
Yolo .....	880,798
Yuba .....	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000, or less, on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) Any change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. Nothing in this paragraph is intended to limit judicial sentencing discretion.





(c) Nothing in this section is intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 68073.

(d) Nothing in this section is intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of youth authority charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994-95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to that paragraph, the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d) of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or any other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars (\$23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

(h) This section shall become operative on July 1, 1999.

SEC. 10. Section 77212 of the Government Code is amended to read:

77212. (a) The State of California, the counties of California, and the trial courts of California, recognize that a unique and interdependent relationship has evolved between the courts and the counties over a sustained period of time. While it is the intent of this act to transfer all fiscal responsibility for the support of the trial courts from the counties to the State of California, it is imperative that the activities of the state, the counties, and the trial courts be maintained in a manner that ensures that services to the people of California not be disrupted. Therefore, to this end, during the 1997–98 fiscal year, commencing on July 1, 1997, counties shall continue to provide and courts shall continue to use, county services provided to the trial courts on July 1, 1997, including, but not limited to: auditor/controller services, coordination of telephone services, data-processing and information technology services, procurement, human resources services, affirmative action services, treasurer/tax collector services, county counsel services, facilities management, and legal representation. These services shall be provided to the court at a rate that shall not exceed the costs of providing similar services to county departments or special districts. If the cost was not included in the county base pursuant to paragraph (1) of subdivision (b) of Section 77201 or was not otherwise charged to the court prior to July 1, 1997, and were court operation costs as defined in Section 77003 in fiscal year 1994–95, the court may seek adjustment of the amount the county is required to submit to the state pursuant Section 77201.

(b) In fiscal year 1998–99 commencing on July 1, 1998, and thereafter the county may give notice to the court that the county will no longer provide a specific service except that the county shall cooperate with the court to ensure that a vital service for the court shall be available from the county or other entities that provide such services. The notice must be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year.

(c) In fiscal year 1998–99, commencing on July 1, 1998, and thereafter, the court may give notice to the county that the court will no longer use a specific county service. The notice shall be given at least 90 days prior to the end of the fiscal year and shall be effective only upon the first day of the succeeding fiscal year. However, for three years from the effective date of this section, a court shall not terminate a service that involved the acquisition of equipment, including, but not limited to, computer and data processing systems, financed by a long-term financing plan whereby the county is dependent upon the court's continued financial support for a portion of the cost of the acquisition.

(d) (1) If a trial court desires to receive or continue to receive a specific service from a county or city and county as provided in subdivision (c), and the county or city and county desires to provide or continue to provide that service as provided in subdivision (b), the



presiding judge of that court and the county or city and county shall enter into a contract for that service. The contract shall identify the scope of service, method of service delivery, term of agreement, anticipated service outcomes, and the cost of the service. The court and the county or city and county shall cooperate in developing and implementing the contract.

(2) This subdivision applies to services to be provided in fiscal year 1999–2000 and thereafter.

SEC. 11. Section 1037 of the Penal Code is amended to read:

1037. (a) When a court orders a change of venue to a court in another county all costs incurred by that court or county, which are not payable pursuant to Section 4750, for the transfer, preparation and trial of the action, the guarding, keeping and transportation of the prisoner, any appeal or other proceeding relating to the action and execution of the sentence shall be a charge against the court or the county in which the action originated. For the purposes of this section, costs that are included in the definition of court operations as defined in Section 77003 of the Government Code and Rule 810 of the California Rules of Court shall be considered court costs and are a charge against the court in the county in which the action originated. All other costs shall be considered county costs and are a charge against the county in which the action originated.

(b) Claims for the costs described in subdivision (a) shall be forwarded to the treasurer and auditor of the county in which the action originated. The treasurer shall pay the amount of county costs out of the general funds of the county. The presiding judge of the court, or his or her designee, shall authorize, and the treasurer shall pay, the amount of court costs out of the local trial court operations fund as directed by the court. Payments for claims for court costs shall be deposited into the local trial court operations fund established pursuant to Section 77009 of the Government Code.

(c) The term “all costs” means all reasonable and necessary costs incurred by the county or court as a result of the change of venue which would not have been incurred but for the change, and does not include normal salaries, overhead, and other expenses which would have been incurred by the county or court in any event.

(d) The trial court may, in its sound discretion, approve any cost as reasonable and necessary under this section. Prior to the trial court’s issuing any order approving such a cost, the clerk shall give 10 days’ written notice of the court’s intention to issue an order to the auditor of the county in which the action originated. The auditor may appear for the limited purpose of opposing the issuance of the order. If he or she fails to appear, the county of origin may not in any other proceeding contest the imposition of these costs.

SEC. 12. Section 100 of the Welfare and Institutions Code is amended to read:



100. The Judicial Council shall establish a planning and advisory group consisting of appropriate professional and program specialists to recommend on the development of program guidelines and funding procedures consistent with this chapter. At a minimum, the council shall adopt program guidelines consistent with the guidelines established by the National Court Appointed Special Advocate Association, and with California law; but the council may require additional or more stringent standards. State funding shall be contingent on a program adopting and adhering to the program guidelines adopted by the council.

The program guidelines adopted by the council shall be adopted and incorporated into local rules of court by each participating superior court as a prerequisite to funding pursuant to this chapter.

The council shall adopt program guidelines and criteria for funding which encourage multicounty CASA programs where appropriate, and shall in no case provide for funding more than one program per county.

The council shall establish in a timely fashion a request-for-proposal process to establish, maintain, or expand local CASA programs and require local matching funds or in-kind funds equal to the proposal request. The maximum state grant per county program per year shall not exceed thirty-five thousand dollars (\$35,000) in counties in which the population is less than 700,000 and shall not exceed fifty thousand dollars (\$50,000) in counties in which the population is 700,000 or more, according to the annual population report provided by the Department of Finance.

SEC. 13. Section 9.2 of this bill incorporates amendments to Section 77201.1 of the Government Code proposed by both this bill and AB 2402. If both bills are enacted and amend Section 77201.1 of the Government Code, and SB 815 is not enacted amending Section 77201.1 of the Government Code, Section 77201.1 as amended by AB 2402 shall remain in effect only until the operative date of this bill, at which time Section 9.2 of this bill shall become operative and Sections 9, 9.4, and 9.6 of this bill shall not become operative.

SEC. 14. Section 9.4 of this bill incorporates amendments to Section 77201.1 of the Government Code proposed by both this bill and SB 815. If both bills are enacted and amend Section 77201.1 of the Government Code, and AB 2402 is not enacted amending Section 77201.1 of the Government Code, Section 77201.1 as amended by SB 815 shall remain in effect only until the operative date of this bill, at which time Section 9.4 of this bill shall become operative and Sections 9, 9.2, and 9.6 of this bill shall not become operative.

SEC. 15. Section 9.6 of this bill incorporates amendments to Section 77201.1 of the Government Code proposed by this bill, AB 2402, and SB 815. If all three bills are enacted and amend Section 77201.1 of the Government Code, Section 77201.1 as amended by AB 2402 and SB 815 shall remain in effect only until the operative date



of this bill, at which time Section 9.6 of this bill shall become operative and Sections 9, 9.2, and 9.4 of this bill shall not become operative.

SEC. 16. The Legislature hereby declares that Section 4.5 of this act shall not be interpreted as applicable to, nor legislative preference of, an employment status for trial court employees. The Legislature recognizes that pursuant to Chapter 850 of the Statutes of 1997, the Task Force on Trial Court Employees will make recommendations to the Legislature regarding an appropriate system of employment and governance for trial court employees. The recommendations of the Task Force on Trial Court Employees shall take effect only upon subsequent action of the Legislature.

SEC. 17. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

